

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

COLLEEN HARRINGTON,

Case No.: 2:18-cv-00009-APG-BNW

## Plaintiff

## **Order Denying Motion for Summary Judgment**

V.

STATE OF NEVADA ex. rel. NEVADA  
SYSTEM OF HIGHER  
EDUCATION/COLLEGE OF SOUTHERN  
NEVADA,

**Defendant**

[ECF No. 49]

Defendant State of Nevada moved for summary judgment. In response, plaintiff Colleen  
gton, who was representing herself at that point, requested a continuance because her  
counsel had withdrawn. Harrington understood that, prior to her counsel withdrawing, the  
parties had agreed to extend discovery and other deadlines. No stipulation or order to extend the  
deadlines was entered, however. Her prior counsel also told her that the defendants had not  
responded to discovery requests. So Harrington requested the defendant be required to produce  
discovery responses. ECF No. 52. Magistrate Judge Weksler partially granted Harrington's  
request and recently reopened discovery and set a new deadline for dispositive motions. ECF No.

Because Harrington is pro se, I liberally construe her response as one for relief under Rule of Civil Procedure 56(d). Given that she is no longer represented by counsel and the defendant allegedly did not properly respond to discovery requests before moving for summary judgment, fairness and the preference for resolving cases on their merits dictate that

1 she be permitted to conduct discovery before responding to the motion. I therefore deny the  
2 defendant's motion for summary judgment, without prejudice to refile it at a later date.

3 I THEREFORE ORDER that the defendant's motion for summary judgment (**ECF No.**  
4 **49**) is **DENIED** without prejudice.

5 DATED this 20th day of April, 2020.

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7 ANDREW P. GORDON  
8 UNITED STATES DISTRICT JUDGE

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